

**IN THE DRAWINGS:**

Examiner's permission is respectfully requested to amend Fig. 6 by adding the label --PRIOR ART-- as indicated by the red ink in the marked up drawing sheet.

**REMARKS**

By this amendment, claims 1-6 remain pending in the subject application.

Examiner's permission is respectfully requested to amend drawing Fig. 6 as indicated by the marked up drawing sheet.

**Objection to the Drawings**

The drawings are objected to as not labeling Fig. 6 as prior art. By this amendment, Examiner's permission is respectfully requested to amend the drawings to label Fig. 6 as prior art. The requested amendment to the drawings is believed to have overcome the objection thereto.

**Rejection of Claims 1-4 Under 35 U.S.C. § 103**

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saucier et al. (U.S. Patent No. 5,605,431, herein after referred to as "Saucier") in view of Antoun (U.S. Patent No. 5,951,216, herein after referred to as "Antoun"). This rejection is respectfully traversed.

Saucier discloses a locking wheelchair lift. As stated in the Office Action, Saucier does not teach a variable speed pump in a hydraulic lifting system. Antoun discloses a programmable, variable volume and pressure, coolant system. It is respectfully submitted that the coolant system disclosed by Antoun is in a field of art that is unrelated to the lifting system disclosed by Saucier and the lifting device of the subject application. There would be no incentive for one skilled in the art of lifting devices to combine Antoun with Saucier in inventing a hydraulic lifting device. Therefore, it is respectfully submitted that combining Saucier with Antoun in making the claims in the subject application obvious is improper.

In addition, Antoun discloses changing motor speed to adjusting coolant volume and pressure in order to provide sufficient cooling function. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. Therefore, it is respectfully submitted that combining Saucier and Antoun, even assuming to be proper, does not teach or suggest the combination of elements in the claims of the subject application.

Specifically, claim 1 calls for, among other things, an electric motor with control circuitry for actuation of said pump and hydraulic apparatus so that the speed of motion of the platform is directly proportional to the speed of said motor. A combination of this element and other elements specified in claim 1 is not taught or suggested in Saucier and Antoun, either singly or in combination. Therefore, claim 1 is allowable over Saucier in view of Antoun.

Claims 2-4 depend from claim 1 and are allowable over Saucier in view of Antoun for at least the same reasons as claim 1. Claim 3 further sets out that "said speed of said motor is selected so that said platform moves more slowly when pivoting from horizontal to vertical orientations than when said platform moves from ground to load." A combination of this and the other elements specified in claim 3 is neither taught nor suggested in Saucier and Antoun, either singly or in combination, further precluding the obviousness of claim 3.

#### **Rejection of Claim 5 Under 35 U.S.C. § 103**

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Saucier in view of Antoun, and further in view of Neagu (U.S. Patent No. 4,836,736, herein after referred to as "Neagu"). This rejection is respectfully traversed.

Claim 5 depends from claim 1. As respectfully pointed out above, claim 1 is allowable over Saucier in view of Antoun. Neagu discloses a level ride lift gate with ramping action platform. It is respectfully submitted that Neagu does not teach or suggest any combination of elements specified in claim 1 beyond Saucier and Antoun. Therefore, claim 1 is allowable over Saucier in view of Antoun and further in view of Neagu.

Because of its dependence from claim 1, claim 5 is allowable over Saucier in view of Antoun and further in view of Neagu for at least the same reasons as claim 1.

**Rejection of Claim 6 Under 35 U.S.C. § 103**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Patent No. 4,457,401, herein after referred to as "Taylor") in view of Antoun. This rejection is respectfully traversed.

Taylor discloses an above-the-floor hydraulic lift. As stated in the Office Action, Taylor does not teach a variable speed pump in a hydraulic lifting system. Antoun discloses a programmable, variable volume and pressure, coolant system. It is respectfully submitted that the coolant system disclosed by Antoun is in a field of art that is unrelated to the lifting system disclosed by Taylor and the lifting device of the subject application, and there would be no incentive for one skilled in the art of lifting devices to combine Antoun with Taylor. Therefore, it is respectfully submitted that the combination of Taylor with Antoun asserted in Office Action is improper.

In addition, Antoun discloses changing motor speed to adjusting coolant volume and pressure in order to provide sufficient cooling function. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. Therefore, it is respectfully submitted that the combination of Taylor and Antoun, even if it were proper to do so, does not teach or suggest the combination of elements in the claims of the subject application.

Claim 6, for example, calls for, among other things, an electric motor with control circuitry for actuation of said pump and hydraulic apparatus so that the speed of motion of

the platform is directly proportional to the speed of said motor. A combination of this and the other elements specified in claim 6 is not taught or suggested in Taylor and Antoun, either singly or in combination. Therefore, claim 6 is allowable over Taylor in view of Antoun.

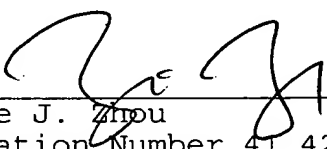
#### CONCLUSION

In view of above, claims 1-6 currently pending in the subject application are believed to be allowable and the subject application is in condition for allowance. Such action is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees to Manatt, Phelps & Phillips' Deposit Account No. 13-1241 or to credit any overpayment to the same for all matters during the prosecution of the subject application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS  
Attorneys for Applicants

  
By: Ziye J. Zinou  
Registration Number 41,423

Date: January 22, 2003

Manatt, Phelps, & Phillips  
1001 Page Mill Road, Building 2  
Palo Alto, CA 94304  
Tel: 650-812-1300